

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

UNITED STATES OF AMERICA,	§
Plaintiff,	§
v.	§ CIVIL ACTION NO.
	§
\$317,015.00 UNITED STATES CURRENCY	§
	§
Defendant.	§

**VERIFIED COMPLAINT FOR CIVIL FORFEITURE
IN REM AND NOTICE TO POTENTIAL CLAIMANTS**

Plaintiff, the United States of America, by and through the United States Attorney, Alamdar S. Hamdani, and the undersigned counsel, Mary Ellen Smyth, Assistant United States Attorney, files this action for forfeiture *in rem* against the above-captioned property. The United States respectfully alleges on information and belief as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1345 and 1355. The seized currency is in the Southern District of Texas and is within the jurisdiction of this Court.
2. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1355, 1391(b) and 1395(a) and (b). Acts and omissions giving rise to forfeiture occurred in the Southern District of Texas.

PROPERTY SUBJECT TO FORFEITURE

3. The property is described as follows: \$317,015 in United States currency (hereinafter, “seized currency”), which was seized on May 30, 2023, from Jose Antonio Manriquez (Manriquez) in Victoria, Texas.

CLAIMANTS TO SEIZED CURRENCY

4. On or about October 27, 2023, Adriana Jones and Howard Miller, et al. submitted a claim to the Drug Enforcement Administration (DEA) through their attorneys, Michael Elsner, of the Mottley Rice, LLC law firm and Samuel F. Miller of Mitchell & Mitchell, LLC. contesting agency forfeiture of the seized currency and seeking judicial proceedings. Jose Antonio Manriquez did not submit a claim to DEA.

STATUTORY BASIS FOR FORFEITURE

5. The seized currency is subject to forfeiture under 21 U.S.C. § 881(a)(6), which provides for the forfeiture of all monies furnished or intended to be furnished by any person in exchange for a controlled substance or listed chemical in violation of the Controlled Substances Act (21 U.S.C. § 801, *et seq.*), all proceeds traceable to such an exchange, and all moneys used or intended to be used to facilitate any violation of the Controlled Substances Act.

FACTUAL BASIS FOR FORFEITURE

6. On May 30, 2023, Manriquez, while driving his tractor trailer, was stopped by Victoria County Sheriff’s Office (VCSO) Deputy Jason Ellis in the 900 block of US Highway 59 southbound, in Victoria, Texas for a speeding violation. During the traffic stop, Deputy Ellis obtained consent to search the vehicle and was assisted by VCSO Deputy Ricardo Montemayor.

7. Both Deputies Ellis and Montemayor noticed anomalies and recent alterations to areas of the tractor-trailer including the headliner / speakers in the cab and the floor / landing gear for the trailer. An electric and fully charged cordless hand drill with Phillips screwdriver attachment was located inside the tractor sleeper compartment. During a search of the tractor's cab, Deputy Montemayor noted that the speakers were affixed with Phillips screws which appeared worn from tooling as if they had been removed and replaced often. Deputy Montemayor removed the right front speaker from the upholstery using the cordless drill and found clear plastic vacuum sealed bags containing United States currency concealed within the right-side speaker area.

8. Deputy Montemayor next removed a front roof plastic compartment that was also secured with Phillips screws and discovered additional bundles of vacuum sealed United States currency in the natural void compartment. A secondary inspection of the tractor and trailer further resulted in the discovery of two fabricated false compartments that ran the length of the trailer floor. No contraband or currency was found within these compartments.

9. Homeland Security Investigations (HSI) Task Force Officer (TFO) Joshua Vaclavik responded to the scene to assist in the investigation. TFO Vaclavik unloaded and seized sixteen (16) bundles of United States currency from the cab headliner area where they had been discovered by VCSO Deputies Montemayor and Ellis. TFO Vaclavik also seized approximately \$5,000 United States currency that was found on Manriquez's person.

10. Deputy Ellis and his certified law enforcement narcotics detection K9 Alfa conducted a perimeter search of the tractor and trailer. During the search, K9 Alpha pulled Deputy Ellis away from the tractor and trailer to the bundles of currency which had been removed and were located approximately ten feet away. K9 Alpha sniffed the bundles and then sat indicating

an alert for the presence of the odor of a controlled substance.

11. The seized currency was later deposited into an authorized bank account of the Department of Homeland Security and determined to be \$317,015.

CONCLUSION

Based on the foregoing facts, there is probable cause to believe that the seized currency was furnished in exchange for a controlled substance in violation of the Controlled Substances Act, 21 U.S.C. § 801, et. seq., or was proceeds traceable to such an exchange, or was used or intended to be used to facilitate any violation of the Controlled Substances Act, 21 U.S.C. § 801, et seq.

NOTICE TO ANY POTENTIAL CLAIMANT

YOU ARE HEREBY NOTIFIED if you assert an interest in the seized property subject to forfeiture and want to contest the forfeiture, you must file a verified claim which fulfills the requirements set forth in Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. The verified claim must be filed no later than thirty-five (35) days from the date this complaint was sent to you, in accordance with Rule G(4)(b); or, if this Complaint was not sent to you, no later than 60 days after the first day of publication of notice on an official internet government forfeiture site, in accordance with Rule G(5)(a)(ii)(B).

An answer or a motion under Federal Rule of Civil Procedure 12 must be filed no later than twenty-one (21) days after filing the claim. The claim and answer must be filed with the United States District Clerk for the Southern District of Texas, 1300 Victoria St.,

Laredo, Texas, 78040. A copy must also be served upon the undersigned Assistant United States Attorney either electronically or at the address provided in this Complaint.

RELIEF REQUESTED

The United States will serve notice, along with a copy of the Complaint, on any other persons who reasonably appear to be potential claimants in this matter. The United States seeks a final judgment forfeiting the seized currency to the United States and any other relief to which the United States may be entitled.

Respectfully submitted,

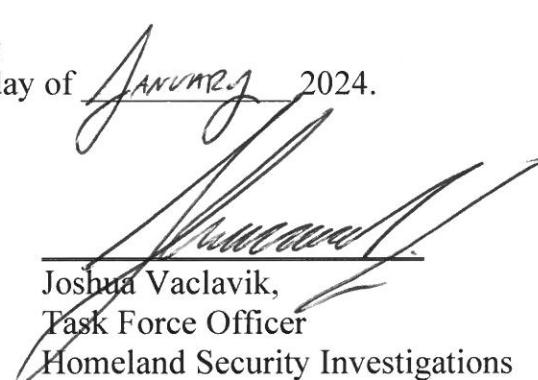
ALMADAR S. HAMDANI
United States Attorney

/s/ Mary Ellen Smyth
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VERIFICATION

I, Joshua Vaclavik, a law enforcement officer employed by Homeland Security Investigations (HSI) as a Federal Task Force Officer (TFO), declare under the penalty of perjury, as provided by 28 U.S.C. § 1746, that I have read the foregoing Verified Complaint for Civil Forfeiture In Rem and Notice to Potential Claimants, and that the facts stated in paragraphs 6-11 are based upon my personal knowledge, information obtained from other law enforcement personnel, and/or information I obtained in the course of my investigation, and they are true and correct to the best of my knowledge and belief.

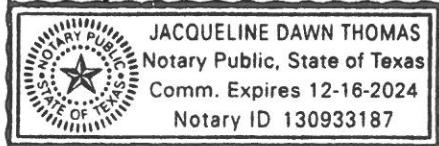
Executed on the 19th day of January, 2024.


Joshua Vaclavik,
Task Force Officer
Homeland Security Investigations

STATE OF TEXAS
COUNTY OF Victoria

SUBSCRIBED and SWORN to before me the undersigned Notary Public on this
the 10 day of January 2024


Notary Public for the State of Texas



12-16-2024
My Commission Expires